



JOINT BUDGET COMMITTEE STAFF FY 2019-20 BUDGET BRIEFING SUMMARY

Colorado General Assembly
Joint Budget Committee

Judicial Department

The Judicial Department interprets and administers the law, resolves disputes, and supervises adult and juvenile offenders on probation. The Judicial Branch also includes seven independent agencies. The four largest agencies provide legal representation for children, juveniles, or indigent adult defendants in certain types of cases. The Independent Ethics Commission provides advice and guidance on ethics-related matters concerning public officers, members of the General Assembly, local government officials, and government employees. The Office of the Child Protection Ombudsman receives, investigates, and seeks resolution of complaints concerning child protection services and makes recommendations to improve such services. The Office Public Guardianship, if it begins operations, will provide guardianship services for incompetent adults who lack resources and family or friends who can serve as guardians. The Department's FY 2018-19 appropriation represents 2.5 percent of statewide operating appropriations and 4.8 percent of statewide General Fund appropriations.

FY 2018-19 APPROPRIATION AND FY 2019-20 REQUEST

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2018-19 APPROPRIATION:						
HB 18-1322 (Long Bill)	754,037,172	550,203,048	162,436,088	36,973,036	4,425,000	4,742.7
Other Legislation	6,157,375	2,871,375	3,286,000	0	0	2.6
TOTAL	\$760,194,547	\$553,074,423	\$165,722,088	\$36,973,036	\$4,425,000	4,745.3
FY 2019-20 REQUESTED APPROPRIATION:						
FY 2018-19 Appropriation	\$760,194,547	553,074,423	\$165,722,088	\$36,973,036	\$4,425,000	4,745.3
JUD R1 District court judges and supporting staff	7,681,991	7,681,991	0	0	0	60.0
JUD R2 Probation officers and supporting staff	3,040,883	3,040,883	0	0	0	36.5
JUD R3 Problem solving court coordinators	417,265	417,265	0	0	0	5.0
JUD R4 Audio visual technical staff and administrative support	317,741	317,741	0	0	0	4.0
JUD R5 Distance learning specialists	480,556	480,556	0	0	0	4.0
JUD R6 IT infrastructure	8,393,774	2,744,021	5,649,753	0	0	0.0
JUD R7 Centralized legal research team	33,148	33,148	0	0	0	3.0
JUD R8 Increase spending from Courthouse Security Cash Fund	525,000	0	525,000	0	0	0.0
JUD R9 Justice Center controlled maintenance expenditure adjustment	513,000	0	(2,025,000)	2,538,000	0	0.0
JUD R10 Courthouse capital	2,618,698	2,618,698	0	0	0	0.0
JUD R11 Fleet vehicles for Judicial Dept.	(2,176)	(2,176)	0	0	0	0.0
JUD Salary Survey Request	1,142,148	1,116,382	25,766	0	0	0.0
OSPD R1 Attorney salary survey	5,089,605	5,089,605	0	0	0	0.0
OSPD R2 Refinance Denver criminal court grant	40,131	190,131	(150,000)	0	0	1.2

JUDICIAL DEPARTMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OSPD R3 Arapahoe courtroom staffing	104,471	104,471	0	0	0	1.6
OSPD R4 IT security	189,442	189,442	0	0	0	1.0
OADC R1 Caseload increase	14,601,111	14,601,111	0	0	0	0.0
OADC R2 Social worker outreach coordinator	116,809	116,809	0	0	0	1.0
OADC R3 Operating expense increase	251,070	251,070	0	0	0	0.0
OADC R4 Compensation plan alignment	114,696	114,696	0	0	0	0.0
OADC R5 Correct FY19 Error in Admin FTE	36,879	36,879	0	0	0	0.0
OCR R1 Caseload and mandated costs adjustment	1,257,168	1,257,168	0	0	0	0.0
OCR R2 Two programs and compliance analyst positions	294,420	294,420	0	0	0	2.0
OCR R3 Compensation plan alignment	61,913	61,913	0	0	0	0.0
OCR R4 Increase operating appropriaton	83,000	83,000	0	0	0	0.0
OCR R5 Increase training	20,000	20,000	0	0	0	0.0
OrpcR1 Increase number of appointments and cost per appointment	2,071,337	2,071,337	0	0	0	0.0
ORPC R2 Staff attorney	125,977	125,977	0	0	0	1.0
ORPC R3 Administrative Specialist	70,967	70,967	0	0	0	1.0
ORPC R4 Programs Analyst	95,381	95,381	0	0	0	1.0
ORPC R5 Compensation plan alignment	10,319	10,319	0	0	0	0.0
OPG R1 Funding the Office of Public Guardianship	0	1,718,786	(1,718,786)	0	0	0.0
CDAC R1 District attorney mandated costs	102,373	102,373	0	0	0	0.0
Centrally appropriated line items	16,486,168	15,716,823	769,345	0	0	0.0
PERA Direct Distribution	8,860,946	8,159,213	701,733	0	0	0.0
Justice Center Maintenance Fund	2,575,000	0	2,575,000	0	0	0.0
Non-prioritized decision items	1,887,933	1,887,933	0	0	0	0.0
Carr Center lease revenue adjustments	274,348	(105,768)	274,350	105,766	0	0.0
Annualize Prior Year Budget Actions	(3,387,613)	(2,731,857)	(655,756)	0	0	0.0
Annualize prior year legislation	(1,444,385)	1,607,448	(3,051,833)	0	0	1.2
TOTAL	\$835,346,041	\$622,662,579	\$168,641,660	\$39,616,802	\$4,425,000	4,868.8
INCREASE/(DECREASE)	\$75,151,494	\$69,588,156	\$2,919,572	\$2,643,766	\$0	123.5
Percentage Change	9.9%	12.6%	1.8%	7.2%	0.0%	2.6%

In the preceding table:

- "JUD" indicates a request from the Chief Justice for the courts or for probation programs;
- "OSPD" indicates a request from the Office of the State Public Defender;
- "OADC" indicates a request from the Office of the Alternate Defense Counsel;
- "OCR" indicates a request from the Office of the Child's Representative;
- "ORPC" indicates a request from the Office of the Respondent Parents' Counsel;
- "OCPO" indicates a request from the Office of the Child Protection Ombudsman;
- "IEC" indicates a request from the Independent Ethics Commission;
- "OPG" indicates a request from the Office of Public Guardianship; and
- "CDAC" indicates a request from the Colorado District Attorneys' Council.

Requests from the Judicial Department (Courts and Probation)

JUD R1 DISTRICT COURT JUDGES AND SUPPORTING STAFF: The request includes an increase of \$7,681,991 General Fund for 15 new district-court judgeships and 45 support staff in FY 2019-20, for a total of 60.0 new FTE. Each judge gets a court judicial assistant, a law clerk, and a court reporter. The request would place additional judges in the ten judicial districts that are staffed at less than 80 percent of need, according to the Judicial Branch's court workload model. A companion bill will be introduced at the beginning of the 2019 session to authorize the new judgeships. The associated funding will be in the Long Bill. The companion bill could authorize more judgeships than are funded in the Long Bill. The following table shows where the requested judges would be located and the current number of district court judges in each district. The request includes \$1,550,070 of startup costs; in the second year, the cost declines to \$6,532,729 General Fund.

JUDICIAL DISTRICT	COUNTIES	# JUDGES	CURRENT STAFFING %
1 st	Gilpin, Jefferson	1	77.6%
2 nd	Denver	4	69.8%
4 th	El Paso, Teller	2	72.2%
8 th	Larimer, Jackson	1	77.3%
10 th	Pueblo	1	71.2%
13 th	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma	1	72.9%
17 th	Adams, Broomfield	1	76.8%
18 th	Arapahoe, Douglas, Elbert, Lincoln	1	78.8%
19 th	Weld	2	73.4%
21 st	Mesa	1	75.4%
	Total:	15	

JUD R2 PROBATION OFFICERS AND SUPPORTING STAFF: The Judicial Department requests an increased number of probation officers, supervisors and support staff. The increase would be spread over two years with 36.5 FTE added in FY 2019-20 at a cost of \$3,040,883 General Fund and an additional 12.5 added in FY 2020-21 at an additional cost of \$ 1,263,547 General Fund. These increases will reduce the gap between current staffing levels and the Department's calculation of need, a gap that has resulted in part from the increasing number of offenders who are on state-supervised probation.

JUD R3 PROBLEM SOLVING COURT COORDINATORS: The request includes an increase of \$417,265 General Fund to hire five Problem Solving Court Coordinators II. This request is part of a three-year plan to add a total of 18 coordinators. Last year, the Department requested and received 7.0 coordinators. The Department will submit a request next year for six additional coordinators for FY 2020-21. A 2016 workload study concluded that the Branch's problem solving courts need these extra coordinators.

JUD R4 AUDIO VISUAL TECHNICAL STAFF AND ADMINISTRATIVE SUPPORT: The request includes an increase of \$317,741 General Fund and 4.0 FTE to create a regional audio visual (AV) technician staff to provide AV support to courts throughout the State.

JUD R5 DISTANCE LEARNING SPECIALISTS: The request includes \$480,556 General Fund for 4.0 FTE who are distance learning specialists. These specialists, in collaboration with subject matter experts, will develop online instructional content to meet the training needs of judicial officers, court employees, and probation employees. The emphasis will be on short modules that provide employees “just what they need, when they need it” to perform their jobs. The request includes software for designing and deploying training modules. The Department currently has a pilot program staffed by 1.5 FTE distance learning specialists that has created more than 80 modules. The department

has discovered that these modules, when coupled with periodic classroom instruction, are an effective way to train employees.

JUD R6 IT INFRASTRUCTURE: The request includes \$8,393,774 total funds (\$2,744,021 General Fund and \$5,649,753 cash funds) to pay for a number of IT projects.

JUD R7 CENTRALIZED LEGAL RESEARCH TEAM: The request includes an increase of \$33,148 General Fund and 3.0 FTE to establish a specialized legal research team housed in the Supreme Court Library in Denver that will be available to trial courts in all judicial districts for death penalty and other research-intensive cases that involve complex legal questions. Currently, the Judicial Branch contracts with legal researchers to perform such research on an as-needed basis. The proposed legal research team will substitute for many of those contracts and is expected to provide better service. The projected reduction in payments to the contractors will pay most of the cost of the new team. The requested General Fund will pay for the associated capital outlay and the AED and SAED.

JUD R8 INCREASE SPENDING FROM COURTHOUSE SECURITY CASH FUND: The request includes \$525,000 cash funds for a one-time increase of expenditures from the Court Security Grant program in FY 2019-20 with expenditure subsequently returning to current levels. The additional spending authority would allow the Courthouse Security Commission to fund equipment grants that would replace aging/failing security equipment, while continuing to adequately fund on-going security personnel costs in courthouses across the State.

JUD R9 JUSTICE CENTER CONTROLLED MAINTENANCE EXPENDITURE ADJUSTMENT: The request eliminates a \$2,025,000 cash funds appropriation that was in the FY 2018-19 Long Bill and makes a new appropriation of \$2,538,000 reappropriated funds. Since at least the FY 2013-14 Long Bill, a \$2,025,000 appropriation for controlled maintenance work on the Carr Center from the Justice Center Cash Fund has been in the Long Bill. This appropriation went unused because the building did not yet need controlled maintenance. Though unspent, it served as a reminder that a substantial amount of money needed to be set aside each year to fund future controlled maintenance. With the establishment of the Justice Center Maintenance Fund, a dedicated source of controlled maintenance funding is now available and, coincidentally, the first controlled maintenance expenditures on the building are needed. This \$2,538,000 reappropriation from the Justice Center Maintenance Fund will pay for the FY 2019-20 replacement of the building's network switches, which link the building's many automated components with each other and with the building's central control system.

JUD R10 COURTHOUSE CAPITAL: The request includes \$2,618,698 General Fund to address required infrastructure and courthouse furnishing needs. Colorado counties provide and maintain courtrooms and other court facilities, while the State provides the furnishings, infrastructure, and court staffing. This request will pay for infrastructure and courthouse furnishings in expanded, remodeled, or new facilities, and for replacement or refurbishment of existing furniture that is no longer useable or will soon become unusable if not repaired. A courthouse capital appropriation appears in the Long Bill every year but the Department does not treat it as a base appropriation off which adjustments are to be made. In FY 2018-19, the General Fund portion of this appropriation equaled \$2,653,360, so this request doesn't change the Courthouse Capital appropriation very much.

JUD R11 FLEET VEHICLES FOR JUDICIAL DEPARTMENT: The request includes a net decrease of \$2,176 General Fund for vehicle expenses. The Department requests permission to acquire four leased vehicles through the State Fleet Management program, which will increase the Department's fleet from 35 to 39 vehicles. The new vehicles will be used by employees who currently use personal vehicles for Department business and are compensated for that use at the rate of 49¢ per mile. The additional vehicles will allow the Department to reduce its vehicle-related expenditures by \$2,176 General Fund.

JUD (UNNUMBERED REQUEST) SALARY SURVEY REQUEST: The request includes an increase of \$1,142,148 total funds (\$1,116,382 General Fund) for a 2% pay increase for employees in six of the Department's job classifications and minor conforming salary adjustments elsewhere in the Department that are designed to maintain the overall salary structure. The Department's annual salary survey indicates that the salaries for the six designated classifications are 10 to 14% below the salaries of comparable positions identified by the consultant. These salary increases are in addition to the common policy 3 percent merit increases that the Department is requesting for all its employees.

Requests from Office of the State Public Defender (OSPD)

OSPD R1 ATTORNEY SALARY SURVEY: The OSPD's request includes \$5,089,605 General Fund for FY 2019-20, to partially fund the recommendations of a compensation study produced by a consulting firm that compared attorney salaries at the OSPD with those of other public-sector attorneys in Colorado. The comparison salaries were from county attorneys, city attorneys, district attorneys, municipal public defenders, and the Colorado Attorney General. The compensation study was conducted in conjunction with the Department of Law, which is using the survey to support its own salary request. The study concluded that OSPD attorneys are paid on average 13.1% below the pay of public attorneys in corresponding positions in the surveyed organizations. At the entry level, OSPD salaries lag the public sector market by an average of 20.9 percent. This increase is in addition to the 3 percent common policy merit increase that the Department is requesting for all its employees, including attorneys.

OSPD R2 REFINANCE DENVER CRIMINAL COURT GRANT: The request includes an increase of \$190,131 General Fund and a reduction of \$150,000 cash funds for a \$40,131 net change to the OSPD total appropriation that is related to staffing a Denver criminal courtroom. The request would result in a net 1.2 increase of FTE. The components of the request are:

- Cash funds: The OSPD's FY 2018-19 appropriation includes \$175,000 cash funds and 2.3 FTE from grants. This request would reduce the \$175,000 by \$150,000 to \$25,000 and the 2.3 FTE by 2.0 to 0.3 FTE. *Background:* In January 2018, Denver reconfigured its courtrooms to create a new criminal court. Denver gave the OSPD a short-term grant to hire two attorneys to cover this new court through June 30, 2019, with the understanding the OSPD would request funding to provide representation starting July 1, 2019.
- General Fund: The OSPD requests \$190,131 General Fund and 3.2 FTE to staff the Denver court starting July 1, 2019. The \$190,131 is comprised of \$185,951 General Fund for personal services of 2.0 attorneys and 1.3 support staff plus \$3,800 for operating expenses and \$380 for attorney registration fees.

OSPD R3 ARAPAHOE COURTROOM STAFFING: The request includes \$104,471 General Fund and 1.6 FTE to staff a courtroom in Arapahoe County that currently has a 50-50 civil-criminal caseload but is converting to an exclusively criminal caseload. The request will add 1.0 FTE trial attorney, 0.3 FTE investigator, and 0.3 FTE support staff.

OSPD R4 IT SECURITY: The request includes an increase of \$189,442 General Fund and 1.0 FTE for IT security, comprised of \$106,318 and 1.0 FTE for an IT Security Administrator and \$83,124 for automated IT security protection services.

Requests from Office of the Alternate Defense Counsel (OADC)

OADC R1 CASELOAD INCREASE: The OADC's request includes an increase of \$14,601,111 General Fund for the Office's increased caseload, comprised of \$13,664,883 for Conflict-of-interest Contracts and \$936,228 for Mandated Costs. This is based on a projection that the FY 2019-20 caseload will be 39.8 percent higher than the caseload on which the equivalent FY 2018-19 appropriation is based.

OADC R2 SOCIAL WORKER OUTREACH COORDINATOR: The request includes an increase of \$116,809 General Fund and 1.0 FTE to add a Social Worker Outreach Coordinator to the Agency's staff.

OADC R3 OPERATING EXPENSE INCREASE: The OADC requests \$251,070 General Fund to increase its Operating appropriation in order to address various needs (many IT related), of which \$11,690 are ongoing and \$239,380 are one time. The request has multiple parts, most of which can be approved or disapproved separately. The \$239,380 of one-time increases are:

- \$132,879 for a contractor-built artificial-intelligence based forecasting model that will combine internal and external data to help predict the Agency's caseload and corresponding expenditure needs for future budget requests.
- \$85,500 for an external audit of the Agency's billing system, which went live in 2015. The audit is designed to ensure the OADC is maximizing its use of the payment system as well as proper payment protocol and system security.
- \$15,000 to build a web-based contractor database that will replace a Microsoft Access database that no longer meets the Agency's needs and is incompatible with the Agency's billing system and website.
- \$6,000 to replace the Agency's 2014-vintage SQL server, which houses the contractor database. The Office's IT contractor has advised that the server should be replaced. This expenditure will cover the cost of the server and installation fees.

The \$11,690 of ongoing increases are:

- \$7,690 for operation and licensing of the new contractor-built forecasting model (first bullet above) in FY 2019-20, rising to \$15,380 annually in FY 2020-21.
- \$3,000 for additional Westlaw licenses for OADC contractors.
- \$1,000 for the 5 percent hourly rate increase that the Office's IT contractor has announced for Fiscal Year 2019-20.

OADC R4 COMPENSATION PLAN ALIGNMENT: The request includes an increase of \$114,696 General Fund for salary adjustments that flow from four sources:

- \$3,093 for a 2% increase for employees whose salaries are 10% or more below comparable salaries elsewhere, as determined by the Judicial Branch's annual salary survey (produced by Segal Waters, a compensation consulting company).
- \$22,563 to implement a common compensation plan that the OADC developed jointly with the Office of the Child's Representative and the Office of the Respondent Parents' Counsel. This part of the request increases the salary of staff members whose salary falls below the minimum of the salary range for their new job class to the new minimum.
- \$73,647 to increase the salaries of some employees whose salaries are at or close to the minimum of their new salary range under the new common compensation plan.
- \$15,394 for a salary increase for the Executive Director of the OADC. This part of the request comes from the Alternative Defense Counsel Commission, which oversees the Director. The Commission requests that the Executive Director of the Alternate Defense Counsel be paid a salary equal to that of the State Public Defender, i.e. equal to the salary of an associate judge of the Court of Appeals.

OADC R5 CORRECT TECHNICAL ERROR IN APPROPRIATION: The request includes an increase of \$36,879 General Fund to correct a technical error in the agency's personal services appropriation that occurred during 2018 figure setting. Staff anticipates a supplemental in January to correct the FY 2018-19 appropriation to the OADC.

Requests from Office of the Child's Representative (OCR)

OCR R1 CASELOAD AND MANDATED COSTS ADJUSTMENT: Increase in Number of Appointments and in Costs per Appointment: The OCR's request includes a \$1,257,168 General Fund increase that is comprised of \$1,227,168 for the Court-Appointed Counsel appropriation and \$30,000 for the Mandated Costs appropriation. The Court-Appointed Counsel increase reflects a projected increase in caseload for FY 2019-20. The Mandated Costs increase is to catch up with increases in expenditures from this line item that have recently occurred.

OCR R2 TWO PROGRAMS AND COMPLIANCE ANALYST POSITIONS: The request includes an increase of \$294,420 General Fund and 2.0 FTE to fund two new Programs and Compliance Analyst positions to implement the recommendations of the Office's 2018 Performance Audit and support ongoing comprehensive oversight of attorney services for children. This request includes a one-time cost of \$90,598 to build and furnish work space for the two positions; thus the ongoing costs are \$203,822 = (\$294,420 - \$90,598).

OCR R3 COMPENSATION PLAN ALIGNMENT: The request includes \$61,913 General Fund for the OCR to implement the common compensation plan that has been jointly developed by the Office of the Child's Representative (OCR), the Office of Respondent Parents' Counsel (ORPC), and the Office of the Alternate Defense Counsel (OADC). The request adjusts the salary and benefits of staff members whose salary falls below the minimum of the salary range for their new job class under the Common Compensation Plan.

OCR R4 INCREASE OPERATING APPROPRIATION: The OCR requests \$83,000 General Fund to increase its operating appropriation (mostly for IT needs), of which \$60,000 is ongoing and \$23,000 is one time. The following table details the request, which adds to more than \$83,000.

ITEM	COST
Ongoing expenses	
Report writing tool (Jaspersoft)	\$20,000
Maintenance and storage costs throughout life of system	18,400
Replacement of PCs, laptops, routers	10,000
Increased expenses to travel to judicial districts	10,000
Increased Westlaw access, OCR's online legal research tool	7,000
One-time expense that will be periodically repeated	
Replace 2 servers	22,857
Total	\$88,257

The Office has been overspending its operating appropriation for several years, using its authority to transfer up to 2.5 percent of its total appropriation between line items to cover the shortfall. With this increase, it believes it can cover its operating expenses.

OCR R5 INCREASE TRAINING: The request includes an ongoing increase of \$20,000 General Fund for the training program that the Office runs for its contract attorneys pursuant to its statutory mandate.

Requests from Office of the Respondent Parents' Counsel (ORPC)

ORPC R1 INCREASE NUMBER OF APPOINTMENTS AND COST PER APPOINTMENT: The ORPC requests \$2,071,337 General Fund for a projected increase of the cost of court appointed counsel and of mandated costs. Two factors are at work: the number of appointments is increasing and the cost per appointment is rising. The number of new ORPC appointments was 11.4 percent higher in the first 3 months of FY 2018-19 than it was in the corresponding months of FY 2017-18. In addition, the cost per closed appointment in the first 3 months of FY 2018-19 is 9.7 percent higher than the average cost per closed appointment during the entire fiscal year FY 2017-18.

ORPC R2 STAFF ATTORNEY: The request includes \$125,977 for a staff attorney who will consult with the Office's contract attorneys on cases, respond to parent complaints, and generally alleviate currently overburdened FTE workloads. The cost annualizes to \$134,832 in FY 2020-21.

ORPC R3 ADMINISTRATIVE SPECIALIST: The request includes an increase of \$70,967 General Fund and 1.0 FTE for an Administrative Specialist I. The Office does not have an administrative specialist (the Judicial Branch equivalent of an administrative assistant) or anyone to perform similar functions and this individual would reduce the amount of time other employees spend on administrative tasks. The Office also points to the extensive growth of the ORPC since it was created in July 2016, growth that has increased the need for administrative support. In FY 2020-21, the cost of the request annualizes to \$75,989 General Fund.

ORPC R4 PROGRAMS ANALYST I: The request includes an increase of 1.0 FTE and \$95,381 General Fund for a Programs Analyst I. The Office states that this individual will increase the ORPC's capability to perform essential oversight and evaluation functions. The ORPC points to the recently completed audit of the Office of the Child's Representative, noting that ORPC functions are similar to those of the OCR. The Office believes it should strengthen its controls in areas similar to those where the audit found weaknesses at the OCR. The cost of the request annualizes to \$101,458 General Fund in FY 2020-21.

ORPC R5 COMPENSATION PLAN ALIGNMENT: The request includes \$10,319 General Fund for the ORPC to implement the common compensation plan that has been jointly developed by the Office of the Child's Representative (OCR), the Office of Respondent Parents' Counsel (ORPC), and the Office of the Alternate Defense Counsel (OADC). The request adjusts the salary and benefits of staff members whose salary falls below the minimum of the salary range for their new job class under the Common Compensation Plan. On October 30, 2018, the ORPC Commission voted to increase the Executive Director's salary from being tied to a Colorado District Court Judge to being tied to a Colorado Court of Appeals Judge. This request includes funding for that increase. See request OADC R4 for more on a similar increase.

Requests from Office of Public Guardianship (OPG)

OPG R1 FUNDING THE OFFICE OF PUBLIC GUARDIANSHIP: The request, which comes from the Public Guardianship Commission, includes an increase of \$1,718,786 General Fund and a reduction of \$1,718,786 cash funds for the Office of Public Guardianship for FY 2019-20. This request is accompanied by a supplemental request of \$565,469 General Fund for FY 2018-19. Together these requests will be sufficient to start operations of the pilot public guardianship program established by H.B. 17-1087, a bill that also requires the pilot public guardianship program to report its results and findings to the General Assembly by January 1, 2021, at which time the General Assembly will decide whether to extend, expand, or cancel the program. The Public Guardianship Commission requests that the JBC carry a bill that will (1) extend the deadline for the OPG report, and (2) provide a wind-down period during which replacement guardians can be found for OPG wards if the OPG is not extended.

Requests from the Colorado District Attorneys' Council

CDAC R1 DISTRICT ATTORNEY MANDATED COSTS: The request includes an increase of \$102,373 General Fund for District Attorney mandated costs, which reimburses district attorneys for part of the mandated costs incurred in prosecution. The request equals 4.0 percent of the FY 2018-19 total appropriation for DA mandated costs. *[For more information see Appendix C, Judicial request for information #4.]*

Other Changes Requested by Judicial Agencies

CENTRALLY APPROPRIATED LINE ITEMS: The request includes the following adjustments to central appropriations:

CENTRAL APPROPRIATIONS ADJUSTMENTS

	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL	FTE
Merit pay adjustment	10,850,605	10,293,923	556,682	0	0	0
Health, life, and dental adjustment	2,799,629	2,630,651	168,978	0	0	0
Payments to OIT adjustment	960,482	960,482	0	0	0	0
SAED adjustment	874,907	852,070	22,837	0	0	0
AED adjustment	844,717	823,143	21,574	0	0	0
CORE adjustment	322,566	322,566	0	0	0	0
Payment to risk management / property funds adjustment	118,939	118,939	0	0	0	0
Legal services adjustment	108,902	108,902	0	0	0	0
Leased space adjustment	46,709	46,709	0	0	0	0
Vehicle lease payments adjustment	21,262	21,262	0	0	0	0
Workers' compensation adjustment	(365,663)	(365,663)	0	0	0	0
Salary survey adjustment	(74,854)	(74,854)	0	0	0	0
Short-term disability adjustment	(22,033)	(21,307)	(726)	0	0	0
Total	16,486,168	15,716,823	769,345	0	0	0

Special merit-pay request for judicial officers: For FY 2019-20 the Department requests that the Governor's 3 percent merit increase be given equally to all judicial officers with no regard to merit. If the Governor's merit increase is adjusted up or down, or another form of increase is approved, the Department requests that all judicial officers be given the same increase that other state workers are on average receiving, except that the percentage increase will be equal for all judicial officers.

PERA DIRECT DISTRIBUTION: The requests includes \$8,860,946 total funds (\$8,159,213 General Fund) for the PERA direct distribution.

JUSTICE CENTER MAINTENANCE FUND: The appropriation includes \$2,575,000 cash funds, which is appropriated from the Justice Center Cash Fund to the newly created Justice Center Maintenance Fund.

NON-PRIORITIZED DECISION ITEMS: The request includes the following non-prioritized decision items:

NON-PRIORITIZED DECISION ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
JUD NP 3 (OIT R2) Securing IT Operations	\$1,836,297	\$1,836,297	\$0	\$0	\$0	0.0
JUD NP 4 (OIT R4) Self Service Capabilities	51,636	51,636	0	0	0	0.0
TOTAL	\$1,887,933	\$1,887,933	\$0	\$0	\$0	0.0

CARR CENTER LEASE REVENUE ADJUSTMENT: The request includes a \$105,766 increase in the leased space payments paid by tenants within the Ralph L. Carr Colorado Judicial Center (reappropriated funds received from General Funded tenant agencies) with accompanying adjustments.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes the following adjustments for annualization of prior year budget actions:

ANNUALIZE PRIOR BUDGET ACTIONS						
	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL	FTE
FY19 OSPD R1 Workload and Caseload Increases	393,960	393,960	0	0	0	0.0
FY19 JUD R5 IT Project Mgt. Security	72,768	72,768	0	0	0	0.0
FY19 JUD R3 Problem Solving Court Coordinators	41,919	41,919	0	0	0	0.0
FY19 JUD R4 Access to Justice	11,657	11,657	0	0	0	0.0

ANNUALIZE PRIOR BUDGET ACTIONS						
	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL	FTE
FY19 JUD R6 Interstate Compact FTE Transfer	9,828	9,828	0	0	0	0.0
FY19 JUD R7 Courthouse Furnishings	(3,233,311)	(2,733,311)	(500,000)	0	0	0.0
FY19 OSPD R2 IT Support, Security, and Development	(398,213)	(398,213)	0	0	0	0.0
Prior year salary survey	(274,255)	(118,499)	(155,756)	0	0	0.0
FY19 ORPC BA5 Operating expenses	(6,900)	(6,900)	0	0	0	0.0
FY19 OADC R2 Administrative Support	(3,473)	(3,473)	0	0	0	0.0
FY19 Social services professional coordinator one-time computer expense	(1,593)	(1,593)	0	0	0	0.0
TOTAL	(3,387,613)	(2,731,857)	(655,756)	0	0	0.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes the following adjustments for annualization of prior year legislation:

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL	FTE
SB 18-200 (PERA)	1,093,410	889,243	204,167	0	0	0.0
SB 18-251 Bridges Program	639,875	639,875	0	0	0	0.1
SB 18-203 Muni Courts	78,330	78,330	0	0	0	1.1
JUD SB08-054 (Judicial Performance Evaluations) Public awareness poll this year per that bill	30,000	0	30,000	0	0	0.0
JUD SB18-267 Justice Center Maintenance Fund	0	0	0	0	0	0.0
JUD SB18-1176 Offender re-entry grant program	(3,286,000)	0	(3,286,000)	0	0	0.0
TOTAL	(1,444,385)	1,607,448	(3,051,833)	0	0	1.2

SUMMARY OF ISSUES PRESENTED TO THE JOINT BUDGET COMMITTEE

FUNDING THE OFFICE OF PUBLIC GUARDIANSHIP: The Office of Public Guardianship was created by H.B. 17-1087, which directed it to run a pilot program in three judicial districts, supported solely by gift, grants, and donations. The Office provides legal guardianship services for incapacitated adults who lack financial resources and lack potential guardians among family and friends. In January 2021, the Office must report to the General Assembly and the General Assembly must decide whether to continue or expand the program or allow it to end. Despite extensive fund raising efforts, the Office has only been able to obtain \$2,000 in donations and it now requests a \$1,718,786 General Fund appropriation for FY 2019-20 and a supplemental appropriation of \$565,469 General Fund for FY 2018-19 so that it can begin operations. The Office also asks the JBC to carry a bill to extend its reporting date and its termination date.

OFFICE OF THE CHILD'S REPRESENTATIVE AUDIT: The state auditor has released a performance audit that criticizes the Office of the Child's Representative (OCR) for deficient selection and monitoring of its contract attorneys, insufficient oversight of the CASA (Court Appointed Special Advocate) program, and inadequate internal control over payments to contractors and procurement cards. The OCR has promised to implement the auditor's recommendations and requests a \$294,420 General Fund appropriations to do so. Two other independent agencies, the Office of the Alternate Defense Council and the Office of the Respondent Parents Council, which operate in a similar, are requesting General Fund appropriations to strengthen and examine their processes.

INCREASE THE NUMBER OF DISTRICT JUDGES: The Judicial Department has requested \$7,681,991 General Fund for 15 new district-court judgeships and 45 support staff for FY 2019-20, for a total of 60.0 new FTE. This request responds to the substantial increase in workload that the courts have experienced in recent years. Much of the increase is due to an increased number of felony cases.

COMMON COMPENSATION PLAN FOR THREE INDEPENDENT AGENCIES: A common compensation plan has been adopted by three independent agencies in the Judicial Branch, the Office of the Alternate Defense Counsel, the Office of the Child’s Representative, and the Office of the Respondent Parents’ Counsel. This issue explains why a common compensation plan has been adopted and how it has affected this year’s budget requests.

FOR MORE INFORMATION

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TO READ THE ENTIRE BRIEFING: http://leg.colorado.gov/sites/default/files/fy2019-20_judbrf.pdf